

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

DANNY E. HOOKS, :  
Petitioner, : CASE NO.: 1:00 CV 054  
  
v. : JUDGE WATSON  
  
BETTY MITCHELL, Warden : Magistrate Judge King  
Respondent. :  
:

**RESPONDENT'S MEMORANDUM IN RESPONSE TO SHOW CAUSE ORDER OF  
OCTOBER 12, 2004**

Now comes the Respondent, by and through counsel, who respectfully responds to the Court's order as described above.

Respectfully submitted,

**JIM PETRO  
ATTORNEY GENERAL**

s/Charles L. Wille

**CHARLES L. WILLE (0056444)**  
Principal Assistant Attorney General  
Capital Crimes Section  
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(614) 728-7055 (614) 728-8600 (Facsimile)

**COUNSEL FOR RESPONDENT**

**MEMORANDUM IN RESPONSE**

The Petitioner, Danny Hooks, was under a sentence of death adjudged by an Ohio court. On January 21, 2000, Hooks filed a petition for a writ of habeas corpus challenging his convictions and death sentence. On October 7, 2004, Hooks' counsel notified the Court of Hooks' death while incarcerated. On October 12, 2004, the Court directed the parties to show cause why Hooks' petition should not be dismissed. The Court further directed that the parties' responses be accompanied with appropriate documentation of Hooks' death.

Counsel for the Respondent in this matter, Warden Betty Mitchell, submits that it is appropriate to dismiss Hooks' petition in light of Hooks' death. The Warden is prepared to stipulate that Hooks died while incarcerated. Counsel for Hooks has been provided in advance with a copy of this memorandum in response, and has stated that he is prepared to stipulate that Hooks died while incarcerated. Accordingly, the Warden respectfully requests that the Court consider and approve the parties' stipulation, dismiss Hooks' petition, and enter final judgment closing the case.

Respectfully submitted,

**JIM PETRO**  
Attorney General

s/Charles L. Wille

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**COUNSEL FOR RESPONDENT**

**CERTIFICATE OF SERVICE**

On November 1, 2004, I served by the Court's Electronic Mail System and First Class U.S. Mail the foregoing Memorandum upon Dennis L. Sipe, Esquire, 322 Third Street, Marietta, Ohio, 45750; Counsel for Petitioner.

s/Charles L. Wille

**CHARLES L. WILLE (0056444)**

Principal Assistant Attorney General